

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

EARL PARRIS, JR., Individually,)
and on Behalf of a Class of Persons)
Similarly Situated,)

Plaintiff,)

City of SUMMERVILLE,)
GEORGIA,)

Intervenor-Plaintiff,)

vs.)

Case No.: 4:21-cv-00040-TWT

3M COMPANY, DAIKIN)
AMERICA, INC., HUNTSMAN)
INTERNATIONAL, LLC, PULCRA)
CHEMICALS, LLC, MOUNT)
VERNON MILLS, INC., TOWN OF)
TRION, GEORGIA, and RYAN)
DEJUAN JARRETT,)

Defendants.)

INTERVENOR-PLAINTIFF CITY OF SUMMERVILLE, GEORGIA’S
RESPONSE TO DEFENDANT 3M COMPANY’S MOTION
FOR MORE DEFINITE STATEMENT

COMES NOW, the Intervenor-Plaintiff in this case, the City of Summerville, Georgia (“Summerville” or “City”), and for its Response to Defendant 3M Company’s Motion and Brief in Support of Motion for More Definite Statement, sets forth and says as follows:

1. On November 21, 2022, Plaintiff Earl Parris, Jr. filed his Second Amended Individual and Class Action Complaint (Doc. 280). Shortly thereafter, Intervenor-Plaintiff filed a Joinder in Plaintiff's Second Amended Complaint (Doc. 281) and therein sought to adopt and incorporate Plaintiff's Second Amended Complaint only to the extent that the Second Amended Complaint asserted new factual and legal claims and allegations against new Defendants Du Pont and Chemours.

2. Plaintiff is not seeking nor did it seek in its Joinder to in any way change any legal claims or theories previously asserted against the Defendants, including 3M Company, which Intervenor-Plaintiff named in its original Complaint in Intervention. It was and remains Intervenor-Plaintiff's intent to simply adopt and incorporate by reference each and every factual allegation against new Defendants Du Pont and Chemours and thereafter plead Intervenor-Plaintiff's original legal claims and theories of recovery against Du Pont and Chemours in the context as originally asserted against all original Defendants, including 3M Company.

3. Intervenor-Plaintiff realizes that this has resulted in confusion as it relates to Defendant 3M Company. To date, 3M Company is the only Defendant who has filed a motion requesting a more definite statement.

4. For ease of reference and clarification purposes, Intervenor-Plaintiff was seeking to adopt and incorporate the following factual allegations against new Defendants Du Pont and Chemours set out in the Second Amended Complaint (Doc. 280): Paragraphs 5, 6, 32, 33, and 64-79.

5. In addition to adopting and incorporating by reference the above factual allegations, Intervenor-Plaintiff intends to assert the same legal claims and allegations set forth in detail in its original Complaint in Intervention (Doc. 137) against new Defendants Du Pont and Chemours. Intervenor-Plaintiff does not otherwise intend to amend or change any claims or legal theories asserted against any of the original Defendants. Intervenor-Plaintiff has not asserted claims or allegations against Defendant Mount Vernon Mills, Defendant Town of Trion, Georgia, nor Defendant Dejuan Jarrett by way of its original Complaint in Intervention, nor did Intervenor-Plaintiff intend to do so by way of its Joinder (Doc. 281).

6. In order to alleviate any confusion and to clarify Intervenor-Plaintiff's position, Intervenor-Plaintiff is prepared to file the proposed Amended Complaint in Intervention, attached hereto as Exhibit A.

Respectfully submitted this the 6th day of January, 2023.

/s/ J. Anderson Davis

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CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Response to Defendant 3M Company's Motion and Brief in Support of Motion for More Definite Statement* has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record on this 6th day of January, 2023.

/s/ J. Anderson Davis

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